

**Town of Scituate  
Conservation Commission  
Town Hall Selectmen's Hearing Room  
Meeting Minutes  
March 18, 2015**

Meeting was called to order at 6:20 p.m.

**Members Present:** Mr. Snow, Chairman, Ms. Caisse, Mr. Hannon, Mr. Harding, Mr. Parys, and Ms. Scott-Pipes.

**Also Present:** Patrick Gallivan, Agent and Carol Logue, Secretary

**Agenda:** Motion to amend the agenda to discuss Vernal Pools; Peggotty Beach/Inner Harbor Road, Hingham Land Conservation Trust meeting about overpopulation of White Tail Deer Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Request for Determination:** Aberbach, 6 Crescent Ave. (raze/rebuild)\*

Jeff Hassett from Morse Engineering and Phil Aberbach were present at the hearing Project is to raze and rebuild a single family 1800 sq. ft. house; IVW to rear. Existing house and 50' and 100' buffer shown on plan. Brad Holmes delineated the wetlands. House will be moved back a little and it is approximately 1300 sq. ft. in size; 2 stories with deck; all work within existing lawn area. Proposed silt fence at back, falls off at the rear. Shed will be removed. There will be no increase in runoff. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. Post RDA # in a visible location.

Driftway Park: Heard from Dog Officer Kim Stewart about dog residue. There are no mutt mitts and the signs are buried in snow. It is discouraging; we make these parks nice for the town; scouts do a good job cleaning and people won't take the time to pick up after their dogs. Some time ago we had a request for an exercise area for dogs, suggested a place further down on the Driftway, but haven't heard anything more. Commission doesn't really feel responsible to supply bags. Other places have trouble too. Couple entrances at Wampatuck are clean, but a couple are filthy, plus trash is left behind too. We could put a notice on the website and maybe talk to Ruth Thompson from the Mariner and have an article put in the paper. The dog officer has a fining system if you get caught not picking up after your dog. People need to have respect for others. Some places charge fees, but don't want to go down that road. Next step would be to not allow dogs, but would hate to see that too. Penny will reach out to Nancy White or Ruth Thompson. Maura Curran: Selectmen made the same plea at the last meeting.

**Wetlands Hearing:** Stewart, 160 Chief Justice Cushing Hwy. (raze/rebuild) (cont.)

Motion to continue the hearing to April 15, 2015 at 6:30 P.M. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

NSRWA – 28<sup>th</sup> Annual River Clean Up Day – May 2 at Driftway Park – 10:00 – 1:00 p.m.

136 Old Forge Road / chicken coop: property owner requested an Amendment. Wanted them to move the chickens out of the Water Resource Area; there may be a middle ground here.

64 Moorland Road – revised planting plan along the salt marsh. The landscaper felt that the trees may not work well. Go ahead with landscaper's suggestions if Pat is satisfied. Not a major change, as long as there is the same number of plants and a good assortment.

Ayers, Gardiner Road: spoke with DEP. They originally thought things were being worked out. There is an absolute violation; area is cleared. DEP got involved with the Central Ave. application for road clearing. They may come out, but they are at least willing to write a letter.

**Minutes:** February 18, 2015

Motion to accept the minutes of February 18, 2015 Ms. Scott-Pipes. Second Ms. Caisse. Motion passed by unanimous vote.

**Request for an Extension:** Roht, 12 Chief Justice Cushing Hwy.

Kevin McGuire and Mr. Roht who bought the Marina from John Zarella were present at the hearing. Closed out an older order, but wants to extend File #68-2152 regarding piles/dredging/washing system, etc. Believe it should be granted as he actually lost a lot of piers this winter. Motion to extend the Order of Conditions for three years Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

**Wetlands Hearing:** Hutchinson, 27 Ann Vinal Road (addition and deck)\*

Frank Westgate sent in the rain garden plant list and the pervious material information for the driveway. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Enforcement:**

Ingrid Lane: Sent a letter and heard back from Leo Costello. Requested a meeting on site to see if the debris had been removed from the wetland. Hopefully can go out in a couple of weeks. Mr. Snow: Can you look to see if there is a plan showing the piles in relation to the wetland; important to know; there is a brook that runs in back. The stockpiling was from the sewer project on Hatherly Road, but worked out for several contractors. Whoever is awarded a contract should show where they are going to stockpile; there aren't too many places. Usually private landowners are approached. It is something to think about. Prior to using a property they need to install erosion controls. They aren't necessarily needed just where the street work takes place.

Haufler, Lot 2 Peggotty Beach Road – sent letter to Atty. Galvin; in discussion at this point. That won't end easily.

Mr. Snow: received calls about the snow dumped in the harbor and now it is a mess with trash. Mr. Gallivan did tell DPW to look for places other than the harbor if possible.

Tomorrow Hingham Land Conservation Trust will have a discussion regarding overpopulation of white tailed deer. 7:00 p.m. Hingham Public Library.

**Wetlands Hearing:** DPW, Central Ave./Cliff Road/Beach Way (removal of storm wash over) (cont.)

Ms. Caisse recused herself. Sean McCarthy from DPW and Nancy Durfee, Coastal Resource Officer were present at the hearing. Since the last meeting Mr. Gallivan and Nancy Durfee met with the TA, DPW, two reps from DEP, two reps from CZM and Maura Curran, Selectmen. They are all in favor of beach nourishment with clean material, not seawalls or rip rap. Need to look at long-term solutions and a wider range of issues. The whole beach is washing away in certain areas. Blocking water by clearing the road for access is being discussed, but there are no decisions yet, however, at least communication is started. The goal would be to get as much protection on the ocean side as possible and continue with elevations. Nancy Durfee, Coastal Resource Officer: This was a good opportunity to voice concerns and continue talking with state partners. When funding does become available we will have the state on board. Need to reduce the erosion and do it cost effectively, but there is a natural process of beach movement.

Maura Curran: one result was to form a group and engage the residents in the process, but not waiting for the summer residents. The latest effort of removing debris from private property, about 30% agreed, others said no. CZM suggested homeowners putting rubble back on their own should consult with Nancy for the proper way to be within DEP and CZM guidelines. We will have a meeting in a couple of weeks to start the education process, once we get commitments from Rebecca Haney. The meeting was a great first step. Mr. Snow: folks that are moving material on their own should also contact Pat. If vegetation or neighbors won't be impacted, he may issue a Minor Activity Permit. This is also a hearing and eventually we have to make a decision and condition this project. There were specific questions on this Notice of Intent regarding channels down paper streets to the river. Because cobble is placed between houses, it is unclear if we can issue a permit, if not sure of the impact to the river or neighbors. Humarock is well represented by three members on the Commission; we want to see a solution. As far as potential funding, what does that look like right now? Based on damages, Sean mentioned emergency funds or hazard mitigation funds that relate to the actions we take.

Abutters complained about notification for this meeting and the March Release Form for removal of debris from private property. Procedures for meetings was explained and the urgency of the Release Form. The town did their best contacting as many people as possible. Work was being accomplished partially under the emergency storm declaration. Some applauded the efforts, but not the communication. Also complained about the north end being restricted all winter and a Suez Canal dug opposite Don Hourihan's house. And the huge pile of rocks left on the marsh. Can't understand why putting cobble back on the beach is such an issue, but actually more concerned about safety.

Mr. Snow: Commission has rules and as a town we should follow the rules and regulations. There are differences in dealing with a developed beach like Humarock, but things don't happen as fast as we'd all like and during storms things have to be done quickly. We are told the beach is moving inland and we have to try and deal with that.

Any possibilities for nourishment for private beaches? No, public funds can't be used, only foundation or private funding. What is the next step? A lot has to do with education and how the beach is developing itself, so we are not spending money to do more harm than good. The sacrificial dune put in 20 to 25 years was wiped out, but it created a sand bar off shore, which helped for quite a few years. The town is also looking into dredging projects, Marshfield is next in line. Rocks are needed on the beach, but houses are too close for beach access. What is the plan for the rocks on the river side? The state does not want them scraped out of the marsh. They feel it is a losing battle; the whole beach is naturally moving toward the river. Can nourish a beach, but you can't stop the migration.

Paper Streets: C is north of 271; D in between 265 and 271; E is at 259; A & B are north of 271, one cut opposite Hourihan's house, and 1 by 265. DEP wants to minimize the number of cuts, but there is some flexibility. Rocks will be removed from the paper streets.

Why isn't the Federal government helping with Central Ave., they need to get to their recreational area. The TA has been in contact with Army Corp and written at least two letters. Their funding source is limited or cut because it is a recreational area. What are they going to do if the road breeches? Expect the town of Scituate to take care of it? Realize there are frustrations, but nothing will magically get better.

Storms don't fill in the marsh at the fork in the road, there are huge tire tracks and grading. Over wash is carried across the road, but contact Conservation if you see this activity. Maybe a guardrail could be installed. Can certainly ask. There was mention of a bridge, but no one had any concrete information. A bridge would be the last resort. Should put rip rap on the river side to prevent the breakthrough.

We will look at some dates to have a meeting between now and the summer. We don't have answers on impacts of the stones to the residents. Motion to continue the hearing to May 6, 2015 at 6:45 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote. During the public meetings we will take feedback from everyone to figure out what's best for Humarock and look for grant money. Lisa Caisse: tonight's homeowner's sign-in sheet is different than the assessor's sheets; homeowners need to update assessors.

#### **Vernal Pools at Hatherly Road**

Lucas Environmental checked the ANRAD. Horsley Whitten is going to be involved, but if they are not on board at the proper time, we should use Lucas. Call him before the end of March. So cold yet, the range of activity is a couple of months, but once we have rain and the snow melts, things will happen quickly. Need to look into the one on Clapp Road that was decertified. Never heard of decertification before.

#### **Peggotty Beach/Inner Harbor Road:**

Atty. Adam Brodsky, representing Geraldine Mazzola and Stan Humphries, representing Sara Gibbs were all present for a discussion. Agreement with the town and an Order of Conditions to be able to take sand from the parking lot and put it in front of the dune by either the

town or private contractor. Mr. Gallivan: There are gaps in the Orders regarding parking, planting and fence and they will expire May 10. There is no engineered stamped plan showing the dune extension and it is a town-owned beach and the town is not part of the Order. Need to know about supervision and how work will take place, plus some of the conditions are not being followed. There is more sand piled on the marsh side, which wasn't put there naturally. Order covers 34, 36, & 38 and goes down to the public beach. Need to decide if there should be an Amendment or a new Notice of Intent. Also there is an issue of a walkway over the dune and the height of the dune. Need to address concerns of both parties, get an order that is legal, makes sense, and doesn't impact the beach.

Mr. Brodsky: Ms. Mazzola is trying to sell her house. The 6' to 8' of sand piled in front precludes easy access to the beach. It also has a lot of debris in it. The people to the north at 26, 28, and 30 don't have permission to have the dune. Ms. Mazzola has permission for a septic repair and walkway to the beach, which have been appealed to DEP. The dune is on town property and the Order is not recorded against the town. Not saying dunes aren't beneficial, but can't pile sand on top of debris. Don't want to wait for an Enforcement Order to remove the dune in front of 30 Inner Harbor. Ms. Mazzola has cooperated with money for clearing the road, but doesn't want a dune in front of her property.

Ms. Gibbs: Originally dune was to be built the whole length, but some of the residents didn't want to be included, now #26 & 28 want to be. Walkway was created further down and Ms. Mazzola was denied access because it is on private property. But the whole dune is on town property. Stan Humphries, LEC: Met with Al Bangert in 2010. He has a memo to the Commission supporting the town's ability to be involved with the project if funds were available. Believe the plan stands for itself. Paul Shea did state the plan is not specific; we need more details. There is cross section in the file. Made similar measurements today, did calcs, and it is within a foot of the 2010 dune. Agree there needs to be discussion about an amendment and also include two additional homeowners. This could fall under the Permit Extension Act. The fact that the town was involved with the NOI was stated in a couple of places. Commission needs to know time lines and procedures. We are providing sand to the beach. But it isn't reasonable for someone to have to walk 100 yards to get to the beach when their house is right there. When walkway was approved recently, the dune wasn't there; town parcel should be referenced. Mr. Parys: look for minutes. Remember the town property issue and allowing them to build it all the way. Ms. Mazzola: First year they did not put the dune in front of all the houses; snow fence went across. Sara Gibbs: researched and worked with DEP, Board of Selectmen, Conservation Agent, state, feds and neighbors because the beach keeps eroding. We are trying to maintain the integrity of the beach and salt marsh, and provide access to our homes. First permit in MA to get this done. Stan has been the engineer on the job the last 4 years and feels an amendment would be satisfactory. All the adverse things Ms. Mazzola has done to this project, she has done without knowing the benefits. Mr. Gallivan doesn't believe Orders can be amended because the town wasn't part of the filing. Also can't be debris buried on the beach. Dune should be built correctly. Pat will look into an amendment, meet with both parties and go through the issues. If there is too much wrong, they will have to file a new NOI. There is 5' of sand along the entire road into the marsh.; is it going to be removed? Yes. The contractor was great; used the same one as the town.

**Enforcement:** White, 181 Edward Foster Road (update/draft letter)

Atty. Adam Brodsky volunteered to write a letter – Pat proposed revisions. The White's want something about dewatering / pumping, but Mr. Gallivan doesn't, because of chemicals on a lawn. What if the plants fail? Guaranteed 75% viability. If they don't work, he will have to come back. Need to know the size of the lawn, over time things tend to enlarge. Property lines have changed from recent land transactions. Not going to expand the lawn. If the lawn fails, don't want turf grass, plant a wetland seed mix. All those details are in the management plan. Only problem was the dewatering plan, otherwise OK with letter

**Orders of Condition:** Skolnick, 4 Postscript Lane (ramp/pier/canoe & kayak rack/ramp & float)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

**Orders of Conditions:** Hutchinson, 27 Ann Vinal Road (addition and deck)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

### CORRESPONDENCE

#### **March 5, 2015 – March 18, 2015**

1. Recording of Extension SC #07-11A Bylaw Only – 530 Chief Justice Cushing Hwy. (in file)
2. DEP re: 36 Brunswick – Withdrawal of Appeal for Superseding Determination of Applicability (in file)
3. DEP Superseding Determination re: 20 Monticello Street – fence appeal – negative 2 (in file)
4. Infor from Frank Westgate re: 27 Ann Vinal Road, plantings for rain garden and details of the pervious Concrete Pavement (in file)
5. NSRWA – 28<sup>th</sup> Annual River Clean Up Day – May 2 at Driftway Park – 10:00 – 1:00 p.m.
6. Division of Marine Fisheries reviewed Skolnick, 4 Postscript Lane – construct and maintain ramp, pier, canoe and kayak rack, ramp and float on the South River – dive survey a couple of years ago, did not find many shellfish resources. No recommendations. (in file)
7. Central Ave. Recovery Policy
8. The Beacon
9. Massachusetts Open Space Conference – Saturday, May 9, 2015 – Overlook Middle School, 10 Oakmont Drive, Ashburnham, MA
10. Zoning Board re: 35 Dreamwold Road – Granted creation of two 50-foot frontage lots.
11. Recording of CofC for 68-1976 - 119 Ann Vinal Road (in file)
12. Plymouth County Mosquito Control Glades. Reclamation of the site will begin around 3/23/15, weather permitting. The water course will be kept as natural as possible, spoils will be used to fill depressions. All other spoils will be spread along the edges as thinly and evenly as possible with a Linkbelt excavator.
13. Planning re: Accessory Dwelling Special Permit, 44 Rebecca Road – approved with conditions.
14. Two pictures of Peggotty Beach/Inner Harbor Road (in file)
15. e-mail Adam Brodsky re: work on Peggotty/Inner Harbor Road (forwarded to members)

Meeting adjourned 9:08 p.m.

Respectfully submitted,  
Carol Logue, Secretary